

IN THE SEVENTH JUDICIAL DISTRICT COURT, IN AND FOR CARBON COUNTY, STATE OF UTAH

THE SPRING GLEN CANAL COMPANY,
a corporation,
Plaintiff,

-vs-

GEORGE M. BACON, State Engineer,
of the State of Utah, and
WALLACE R. WAYMAN, Water Commissioner,
Defendants.

SEVENTH DISTRICT COURT
CARBON COUNTY, UTAH
FILED MAY 18 1931
ELIZABETH HADLEY, Clerk
By E. S. Horsley, Deputy
Case No. _____

ORDER MODIFYING RESTRAINING ORDER
Civil No. 3773

WHEREAS, this court on the 16th day of May, 1931, issued a restraining order in the above entitled action restraining and enjoining the State Engineer from in any manner depriving or diverting water to the plaintiff in the above entitled action less than fifteen second feet of water, and

WHEREAS, upon motion and stipulation of the respective parties in open court, it was agreed between the parties that said restraining order may be modified as hereinafter stated,

NOW THEREFORE, in consideration of the premises and the court being fully satisfied in the premises, it now orders that the said restraining order be, and the same is, hereby modified, and the order of this court now is as follows:

That five second feet of water shall be distributed to the Spring Glen Canal Company. That there is a dispute between the Spring Glen Canal Company and the defendants as to ten additional second feet of water, which said ten additional second feet of water shall therefore be divided five second feet to the Spring Glen Canal Company and five second feet thereof shall be permitted to flow down Price River and then be distributed to the Carbon Water Company at its intake; and in the event that said water shall decrease and there shall not be ten second feet in addition to the five second feet first above mentioned, then the balance shall be distributed to the said Spring Glen Canal Company and the Carbon Water Company in equal proportions as the said waters decrease.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this decree and any stipulations made and entered into by and between the parties shall in no way prejudice either or any of the parties hereto or the Carbon Water Company in any respect whatever.

IT IS FURTHER ORDERED that the said water commissioner shall immediately and forthwith distribute the waters as hereinabove stated forthwith.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that if, upon the trial of the above entitled action upon its merits, it shall be determined that any of the parties herein obtained more water than they were entitled to receive, then and in that event the party receiving said excess water shall immediately have delivered to the other party a sufficient amount of water to make up for all waters received in excess of that water which said party was entitled.

Dated this 18th day of May, 1931.

George Christensen
District Judge

STATE OF UTAH
COUNTY OF CARBON

ss.

CLERK'S CERTIFICATE

I, B. H. Young, County Clerk and Ex-Officio Clerk of the Seventh Judicial District Court In and For Carbon County, State of Utah, hereby certify that the foregoing is a full, true and correct copy of the original ORDER MODIFYING RESTRAINING ORDER, In the Case of THE SPRING GLEN CANAL COMPANY, Plaintiff -vs- GEORGE M. BACON, State Engineer, et al., Defendants (Civil 3773)

and now on file and of record in my office.

WITNESS my hand and seal of said District Court at my office in Carbon County, this

26th day of May A.D., 1954.

B. H. YOUNG

Clerk

By

Ann O'Brien

Deputy Clerk